

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. § 371 - Conspiracy
18 U.S.C. § 1344 - Bank Fraud
18 U.S.C. § 1028A - Aggravated Identity Theft
18 U.S.C. § 1029(a)(5), (b)(1) - Access Device
Fraud and Attempted Access Device Fraud☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**PENALTY:**

See Attached

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

KIRSTIN M. AULT

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**DEFENDANT - U.S.**

ARTASHES TER MKRTICHYAN

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome of this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed?☐ Yes
☐ NoIf "Yes"
give date
filed**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

U.S. v. MADGARIAN et al.
MAXIMUM PENALTIES

Count 1: 18 U.S.C. § 371 - Conspiracy

5 years imprisonment
\$250,000 fine
3 years supervised release
\$100 special assessment

Counts 2-14: 18 U.S.C. § 1344 - Bank Fraud

30 years imprisonment
\$1,000,000 fine
5 years supervised release
\$100 special assessment

Counts 15-17, 19: 18 U.S.C. § 1028A - Aggravated Identity Theft

2 year mandatory consecutive sentence
1 year supervised release
\$100 special assessment

Count 18: 18 U.S.C. § 1029(a)(5) and (b)(1) - Access Device Fraud

15 years imprisonment
\$250,000 fine
3 years supervised release
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KIRSTIN M. AULT

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

SARKIS MADJARIAN

DISTRICT COURT NUMBER

DEFENDANT

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KIRSTIN M. AULT

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NORTHERN DISTRICT OF CALIFORNIA**DEFENDANT - U.S.**

SERGE ZADIKIAN

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\$100 special assessment

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

SARKIS MADJARIAN,
ARTASHES TER MKRTICHYAN, and
SERGE ZADIKIAN,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 371 - Conspiracy
18 U.S.C. § 1344 - Bank Fraud
18 U.S.C. § 1028A - Aggravated Identity Theft
18 U.S.C. § 1029(a)(5), (b)(1) - Access Device
Fraud and Attempted Access Device Fraud

INDICT
A true bill.

James E. Vardant
Foreman

Filed in open court this 8 day of MAY 2008

Betty Fong
BETTY FONG

Clerk

Edward M. Chen
EDWARD M. CHEN

UNITED STATES MAGISTRATE JUDGE

Bail \$

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SARKIS MADJARIAN,
ARTASHES TER MKRTICHYAN, and
SERGE ZADIKIAN,

Defendants.

No.

VIOLATIONS: 18 U.S.C. § 371 –
Conspiracy [1 count]; 18 U.S.C. § 1344 –
Bank Fraud [13 counts]; 18 U.S.C. § 1028A
– Aggravated Identity Theft [4 counts]; and
18 U.S.C. § 1029(a)(5),(b)(1) – Access
Device Fraud [1 count]

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (Conspiracy – 18 U.S.C. § 371)

Beginning at a time unknown to the grand jury, but no later than March 18, 2007, through March 21, 2007, both dates being approximate and inclusive, in the Northern District of California, the defendants,

SARKIS MADJARIAN,
ARTASHES TER MKRTICHYAN, and
SERGE ZADIKIAN,

did knowingly and intentionally combine, conspire, and agree with others known and unknown

1 to the grand jury to commit an offense against the United States, that is,

- 2 a. to knowingly and with the intent to defraud execute and attempt to execute a
3 scheme and plan to defraud as to a material matter a federally insured financial
4 institution and to obtain money and property from a federally insured financial
5 institution by knowingly making false statements and promises as to a material
6 matter, in violation of Title 18, United States Code, Section 1344; and
7 b. to knowingly and with intent to defraud effect and attempt to effect transactions
8 that affect interstate and foreign commerce with one or more access devices
9 issued to another person or persons, to receive payment or any other thing of value
10 during any one-year period, the aggregate value of which is at least \$1,000, in
11 violation of 18 U.S.C. §§ 1029(a)(5) and (b)(1) .

12 **OVERT ACTS**

13 In furtherance of the conspiracy, and to obtain the ends thereof, the following overt acts,
14 among others, were committed by the defendants and their co-conspirators in the Northern
15 District of California and elsewhere:

- 16 1. The defendants obtained the account number and personal identification number
17 (PIN) for the Automated Teller Machine (ATM) account for Evelyn T. at the
18 Bank of America.
19 2. On March 18, 2007, one of the defendants used Evelyn T.'s ATM account
20 number and PIN without her permission to withdraw \$500 from a Bank of
21 America ATM machine at 633 Tamalpais Drive, Corte Madera, California.
22 3. On March 19, 2007, one of the defendants used Evelyn T.'s ATM account
23 number and PIN without her permission to withdraw \$500 from a Bank of
24 America ATM machine at 2225 Quimby Road, San Jose, California.
25 4. On March 20, 2007, one of the defendants used Evelyn T.'s ATM account
26 number and PIN without her permission to withdraw \$500 from a Bank of
27 America ATM machine at 1455 Stockton Street, San Francisco, California.

28 ///

1 5. The defendants obtained the account number and PIN for the ATM account for
2 Steven R. at the Bank of America.

3 6. On March 18, 2007, one of the defendants used Steven R.'s ATM account
4 number and PIN without his permission to withdraw \$500 from a Bank of
5 America ATM machine at 2560 Lombard Street, San Francisco, California.

6 7. On March 19, 2007, one of the defendants used Steven R.'s ATM account
7 number and PIN without his permission to withdraw \$300 from a Bank of
8 America ATM machine at 2225 Quimby Road, San Jose, California.

9 8. On March 20, 2007, one of the defendants used Steven R.'s ATM account
10 number and PIN without his permission to attempt to withdraw \$500 from a Bank
11 of America ATM machine at 1455 Stockton Street, San Francisco, California.

12 All in violation of Title 18, United States Code, Section 371.

13
14 COUNTS TWO THROUGH FOURTEEN: (Bank Fraud – 18 U.S.C. § 1344)

15 The allegations contained in Count One are realleged as though fully set forth herein.

16 Beginning at a time unknown to the grand jury, but no later than March 18, 2007, through
17 on or about March 21, 2007, in the Northern District of California, the defendants,

18 SARKIS MADJARIAN,
19 ARTASHES TER MKRTICHYAN, and
SERGE ZADIKIAN,

20 did knowingly and with the intent to defraud carry out and attempt to carry out a scheme and plan
21 to defraud a federally insured financial institution as to a material matter and to obtain money and
22 property from a federally insured financial institution by making material false statements and
23 promises, knowing that the statements and promises were false, as follows:

24 It was part of the scheme and plan to defraud that the defendants possessed and used
25 ATM account numbers and personal identification numbers for accounts belonging to numerous
26 individuals knowing that they were not authorized to possess or use those account numbers and
27 personal identification numbers.

28 It was further part of the scheme and plan to defraud that the defendants used these

account numbers and personal identification numbers to make and attempt to make cash withdrawals from Bank of America ATM machines in the San Francisco Bay Area knowing that they did not have the permission of the account holders to withdraw money from their bank accounts.

On or about the dates set forth below in the year 2007, in the Northern District of California and elsewhere, for the purpose of executing the scheme to defraud, the defendants knowingly and falsely represented that they were authorized to possess and use ATM account numbers and personal identification numbers for accounts at the following federally-insured banks belonging to the following persons, knowing that they were not so authorized, and knowing and intending that, based on their false representations, the banks would part with money dispensed from ATM machines.

Count	Date	Account Holder	Loss	Bank Where Account Held	ATM Location	ATM Number
2	3/18	Angelica F.	\$500	Washington Mutual	Corte Madera	4105
3	3/18	Evelyn T.	\$500	Bank of America	Corte Madera	4105
4	3/18	Benjamin M.	\$500	Bank of America	Corte Madera	4105
5	3/18	Roy F.	\$500	Washington Mutual	Corte Madera	4105
6	3/18	Russell Y.	\$500	Washington Mutual	San Francisco	0506
7	3/19	Theresa S.	\$300	Wells Fargo	Walnut Creek	8652
8	3/19	Roy F.	\$500	Washington Mutual	Walnut Creek	8652
9	3/19	Angelica F.	\$500	Washington Mutual	Walnut Creek	8652
10	3/19	Evelyn T.	\$500	Bank of America	San Jose	6053
11	3/19	Steven R.	\$300	Bank of America	San Jose	6053
12	3/19	Steven R.	\$100	Bank of America	San Jose	6053
13	3/19	Benjamin M.	\$500	Bank of America	San Jose	6053
14	3/20	Evelyn T.	\$500	Bank of America	San Francisco	7337

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1 COUNT FIFTEEN: (Aggravated Identity Theft – 18 U.S.C. § 1028A)

2 On or about March 18, 2007, in the Northern District of California, the defendants,

3 SARKIS MADJARIAN,
4 ARTASHES TER MKRTICHYAN, and
5 SERGE ZADIKIAN,

6 did knowingly transfer, possess and use, without lawful authority, a means of identification of
7 another person, namely the ATM account number for Angelica F.'s Washington Mutual account,
8 during and in relation to a felony violation of 18 U.S.C. § 1344, as charged in Count Two of this
9 Indictment, in violation of Title 18, United States Code, Section 1028A.

10 COUNT SIXTEEN: (Aggravated Identity Theft – 18 U.S.C. § 1028A)

11 On or about March 19, 2007, in the Northern District of California, the defendants,

12 SARKIS MADJARIAN,
13 ARTASHES TER MKRTICHYAN, and
14 SERGE ZADIKIAN,

15 did knowingly transfer, possess and use, without lawful authority, a means of identification of
16 another person, namely the ATM account number for Roy F.'s Washington Mutual account,
17 during and in relation to a felony violation of 18 U.S.C. § 1344, as charged in Count Eight of this
18 Indictment, in violation of Title 18, United States Code, Section 1028A.

19 COUNT SEVENTEEN: (Aggravated Identity Theft – 18 U.S.C. § 1028A)

20 On or about March 19, 2007, in the Northern District of California, the defendants,

21 SARKIS MADJARIAN,
22 ARTASHES TER MKRTICHYAN, and
23 SERGE ZADIKIAN,

24 did knowingly transfer, possess and use, without lawful authority, a means of identification of
25 another person, namely the ATM account number for Evelyn T.'s Bank of America account,
26 during and in relation to a felony violation of 18 U.S.C. § 1344, as charged in Count Ten of this
27 Indictment, in violation of Title 18, United States Code, Section 1028A.

28 ///

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1 COUNT EIGHTEEN: (Access Device Fraud – 18 U.S.C. § 1029(a)(5), (b)(1))

2 Beginning on or about March 18, 2007, through on or about March 21, 2007, in the
3 Northern District of California, the defendants,

4 SARKIS MADJARIAN,
5 ARTASHES TER MKRTICHYAN, and
6 SERGE ZADIKIAN,

7 did knowingly and with intent to defraud effect and attempt to effect transactions, that affected
8 interstate and foreign commerce, with one or more access devices issued to another person or
9 persons, namely an ATM account number belonging to Evelyn T.'s Bank of America account, to
10 receive payment and any other thing of value during any one-year period, the aggregate value of
11 which was at least \$1,000, in violation of Title 18, United States Code, Sections 1029(a)(5),
12 (b)(1).

13 COUNT NINETEEN: (Aggravated Identity Theft – 18 U.S.C. § 1028A)

14 Beginning on or about March 18, 2007, through on or about March 21, 2007, in the
15 Northern District of California, the defendants,

16 SARKIS MADJARIAN,
17 ARTASHES TER MKRTICHYAN, and
18 SERGE ZADIKIAN,

19 did knowingly transfer, possess and use, without lawful authority a means of identification of
20 another person, namely the personal identification number for Evelyn T.'s Bank of America

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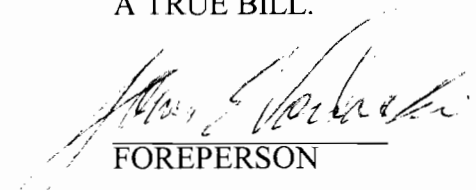
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account, during and in relation to a felony violation of 18 U.S.C. § 1029(a)(5), as charged in
Count Eighteen of this Indictment, in violation of Title 18, United States Code, Section 1028A.

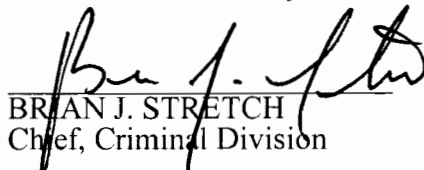
DATED:


A TRUE BILL.

5-8-08


FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney


BRIAN J. STRETCH
Chief, Criminal Division

(Approved as to form: )
AUSA AULT